

**UNITED STATES FEDERAL COURT  
DISTRICT OF MAINE**

GRETCHEN CRAWFORD,	)	
	)	
Plaintiff	)	
	)	Civil Action No.
v.	)	
	)	
PEN BAY HEALTH CARE and	)	
KNO-WAL-LIN HOME CARE AND HOSPICE,	)	
	)	
Defendants	)	

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE THAT Defendants Pen Bay Health Care (“PBHC”) and Kno-Wal-Lin Home Care and Hospice (“KWL”) (collectively referred to as “Defendants”) hereby give notice of the removal to this Court, pursuant to 28 U.S.C. §§ 1331, 1441, 1446 and Rule 81(c) of the Federal Rules of Civil Procedure, of the above-captioned matter now pending in the Maine Superior Court, Knox County, Docket No. CV-2017-00005 (the “Action”). As grounds for removal, Defendants state:

1. Plaintiff Gretchen Crawford (“Plaintiff”) commenced this suit, which alleges various federal and state law civil rights violations, by filing a Complaint in the Superior Court, Knox County, on or about January 24, 2017 (the “Complaint”). A copy of the Complaint and Summonses are attached hereto as **Exhibit A**.

2. In Paragraph 1 of the Complaint, Plaintiff alleges that Defendants failed to accommodate and discriminated against her in violation of Titles I and V of the Americans with Disabilities Act, 42 U.S.C. § 12101, and the Maine Human Rights Act, 5 M.R.S.A. § 4572.

3. Under 28 U.S.C. § 1331, this Court has original jurisdiction over this matter, it being an action which asserts a federal question and claims under the Americans with

Disabilities Act, 42 U.S.C. § 12101.

4. This Court having federal question jurisdiction in this matter under 28 U.S.C. § 1331, Defendants may remove this action, pursuant to 28 U.S.C. §§ 1441(a) and 1441(c), by giving notice thereof to all adverse parties and by filing a copy of this Notice with the Clerk of Court for the Maine Superior Court, Knox County. This Notice is timely, pursuant to 28 U.S.C. §1446(b).

5. Pursuant to 28 U.S.C. §1446(d), Defendants this same day are filing a copy of this Notice of Removal with the Maine Superior Court, Knox County, and sending a copy to counsel for the Plaintiff.

6. By filing this Notice of Removal, Defendants are not waiving any available affirmative defenses, including any defenses set forth in Fed. R. Civ. P. 12. Defendants reserve their right to assert such affirmative defenses in any future pleading, as appropriate.

**WHEREFORE**, Defendants Pen Bay Health Care and Kno-Wal-Lin Home Care and Hospice request that the action now pending against it in the Maine Superior Court, Knox County, CV-17-00005, be removed to the United States District Court for the District of Maine.

DATED at Portland, Maine this 10<sup>th</sup> day of February, 2017.

/s/ Peter F. Herzog

Peter F. Herzog, Bar No. 4348

/s/ Matthew Tarasevich

Matthew Tarasevich, Bar No. 8402

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Attorneys for Defendants

Pen Bay Health Care and Know-Wal-Lin

Home Care and Hospice

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of February, 2017, I electronically filed *Defendants'* *Notice of Removal* with the Clerk of the Court using the CM/ECF system which will send notification of such filings(s) to the following:

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/s/ Peter F. Herzog

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